

WEST GROUP
Official Publisher

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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NOTICE TO THE "OTHER PARENT"

If this motion is granted, the "Other Parent" will become a party to this action. Either parent may then raise issues concerning support, custody, visitation, and restraining orders. Other issues may not be raised in this action. Either parent can go to court to modify the support order, but the district attorney must first be given notice of the hearing date.

You can also go to court to enforce your support order, but you must first give the district attorney advance notice that you intend to file your own enforcement action. (See form 1299.49.) If the district attorney does not respond to your notice within 30 days, or if the district attorney notifies you that you can proceed, you may then file your own enforcement action as long as all support is payable through the district attorney's office.

You should tell the district attorney everything you know about the Obligor's earnings and assets. If you receive welfare, the district attorney may agree to settle any parentage or support issues. If you do not receive welfare, the district attorney cannot settle any support issue without your consent. The district attorney also cannot negotiate, settle, or contest any issues of custody, visitation, or restraining orders.

(Proof of Service on page three)

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
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PROOF OF SERVICE

1. At the time of service I was at least 18 years of age and not a party to the legal action.
2. My residence or business address is (*specify*):

3. I served a copy of the foregoing *Notice of Motion and Declaration* as follows (*check either a or b for each person served*):
 - a. ☐ **Personal delivery.** I personally delivered a copy and all attachments as follows:

(1) <input type="checkbox"/> Name of party or attorney served:	(2) <input type="checkbox"/> Name of district attorney's office served:
(a) Address where delivered:	(a) Address where delivered:
(b) Date delivered:	(b) Date delivered:
(c) Time delivered:	(c) Time delivered:
 - b. ☐ **Mail.** I am a resident or employed in the county where the mailing occurred.
 - (1) I enclosed a copy in an envelope AND
 - (a) ☐ **deposited** the sealed envelope with the United States Postal Service with the postage fully prepaid.
 - (b) ☐ **placed** the envelope for collection and mailing on the date and at the place shown in items below following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
 - (2) The envelope was addressed and mailed as follows:

(a) <input type="checkbox"/> Name of party or attorney served:	(b) <input type="checkbox"/> Name of district attorney's office served:
(i) Address:	(i) Address:
(ii) Date mailed:	(ii) Date mailed:
(iii) Place of mailing (<i>city and state</i>):	(iii) Place of mailing (<i>city and state</i>):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

.....
(TYPE OR PRINT NAME)

▶

(SIGNATURE OF PERSON WHO SERVED MOTION)

(Instructions begin on reverse)

**INFORMATION SHEET FOR NOTICE OF MOTION AND DECLARATION
FOR JOINDER OF OTHER PARENT IN GOVERNMENTAL ACTION
(California Rules of Court, rule 1299.61)**

Please follow these instructions to complete the *Notice of Motion and Declaration for Joinder of Other Parent in Governmental Action* (form 1299.61) if you do not have an attorney representing you. Your attorney, if you have one, should complete this form.

If this motion is granted, the "Other Parent" will become a party to this action. Either parent may then raise issues concerning support, custody, visitation, and restraining orders. Other issues may not be raised in this action. The district attorney cannot assist you with or negotiate, settle, or contest any issues of custody, visitation, or restraining orders. Either parent can go to court to modify the support order, but the district attorney must first be given notice of the hearing date. The Other Parent can also file an action to enforce the support order, but only after giving advance notice to the district attorney.

This form should be used if a parent is receiving child support services through the district attorney's office, but the parent is not listed as a party in the support order or judgment. If both parents' names are listed on your most recent support order or judgment as a Petitioner/Plaintiff, Respondent/Defendant, or Other Parent you do not need to complete this motion. If you do not have a copy of your most recent support order or judgment, you can get one from either the court clerk or the district attorney's office.

You must file the completed motion with the court clerk. The address of the court clerk is the same as the one shown for the superior court on your most recent support order or judgment. You may have to pay a filing fee. If you cannot afford to pay the filing fee, contact the court clerk. **Keep three copies of the filed motion. Serve one copy on the Other Parent with a blank *Responsive Declaration to Motion for Joinder of Other Parent/Consent Order of Joinder* (form 1299.64), serve the second copy of the motion on the district attorney, and keep the third copy for your records. (See *Information Sheet for Services of Process*, form 1299.05.)**

INSTRUCTIONS FOR COMPLETING THE NOTICE OF MOTION FOR JOINDER OF OTHER PARENT FORM (TYPE OR PRINT IN BLACK INK)

Front page, first box, top of form, left side: Print your name, address, and phone number in this box.

Front page, second box, left side: Print the name of the county in which the legal action is filed and the court's address in this box. Use the same address for the court that is on your most recent support order or judgment.

Front page, third box, left side: Print the names of the Petitioner/Plaintiff, Respondent/Defendant, and Other Parent in this box. Use the same names listed on your most recent judgment or order. Print the name of the parent who is being joined as a party in the space for "Other Parent."

Front page, first box, top of form, right side: Leave this box blank for the court's use.

Front page, second box, right side: Print the case number in this box. This number is also stated on your most recent judgment or order.

1. Check the box for the Defendant if you are not the defendant, or check the box for the Other Parent and print the other parent's name in the space provided if you are not that parent.
2. a. You must contact the court clerk's office and ask that a hearing date be set for this motion. The court clerk will give you the information you need to complete this section.
b. Check the first box if the address of the court where the hearing will be held is the same as the one you put at the top of the notice. Check the second box if the address of the court where the hearing will be held is different from the one you put at the top of the notice. Print the different court address in the space.

Enter the date and your name and sign the form.

3. Print the name of the parent who is being joined as a party. This name should be the same as the "Other Parent" at the top of the motion.

(Continued on page five)

Information Sheet for California Rules of Court, rule 1299.61 (continued)

4. You are stating that the Other Parent has not been a party and that he or she has applied for or is receiving services through the district attorney's office.
5. Check this box if you are also filing an Order to Show Cause or Notice of Motion requesting support, custody, visitation, or restraining orders.
6.
 - a. Check this box if neither parent has filed a dissolution action against the other parent and, to the best of your knowledge, the parents are not both parties in any other family law case.
 - b. Check this box if the parents are both parties in another family law case, such as a dissolution action. Fill in the name of the court, the county where it is located, and court case number for any other family law cases involving both parents. You can get this information from the order or judgment from those actions. If you do not have a copy of the order or judgment you may go to the court clerk's office to get a copy.
7. Check this box if you have other information to provide. Explain what the information is in the space provided.

You must date the form, print your name, and sign the form under a penalty of perjury. When you sign the form, you are stating that the information you have provided is true and correct.

Top of second page, box on left side: Print the names of Petitioner/Plaintiff, Respondent/Defendant, and Other Parent in this box. Use the same names listed on the front page.

Top of second page, box on right side: Print the case number in this box. Use the same number as the one on the front page.

The Notice to the "Other Parent" on this page explains what it means for the parent to be joined as a party.

Top of third page, box on left side: Print the names of Petitioner/Plaintiff, Respondent/Defendant, and Other Parent in this box. Use the same names listed on the front page.

Top of third page, box on right side: Print the case number in this box. Use the same number as the one on the front page.

Instructions for how to serve this motion are in the *Information Sheet for Service of Process* (form 1299.05). The person who serves the motion and its attachment must fill out this section of the form. **You cannot serve your own motion.**

If you need additional assistance with this form, contact the Family Law Facilitator in your county.